

Social Security

Your Right To Question
The Decision To Stop
Your Disability Benefits



www.ssa.gov

Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct.

If you disagree with our decision that you are no longer disabled, you can appeal it. This means we will look at your case again to see if our decision is correct.

When you ask for an appeal, we will look at the entire decision, including any parts that you agree with. If our decision is incorrect, we will change it.

This leaflet answers some of the questions you may have about how to appeal the decision on your claim and how we decide your appeal.

How Much Time Do I Have To Appeal?

You have 60 days to ask for an appeal of our decision to stop your disability benefits. The 60 days start the day after you get our letter telling you that your benefits will stop. We assume you got our letter five days after the date at the top, unless you show us that it took longer for you to get it.

What Happens If I Miss The Time For An Appeal?

If you are late and you want to appeal, you should tell us why you were late. If we decide you have a good reason for being late, you still may be able to appeal. For example, a good reason for being late would be if the forms we sent you did not arrive on time.

Will My Payments Continue During The Appeal?

If you want to keep getting payments during the appeal, you have to act fast. You must ask us for an appeal within 10 days after the day you receive our letter telling you that your benefits will stop. Again, we assume you got our letter five days after the date at the top, unless you show us that it took longer for you to get it.

If you are late and have a good reason, you still may be able to get payments during the appeal.

You may continue to receive your disability benefits until the appeal is decided. You may request payment continuation during the reconsideration level and the administrative law judge level of appeal. These levels of appeal are explained later in this leaflet.

Will I Have To Pay Back The Money I Receive During My Appeal?

If you get payments during the appeal and lose the appeal, we will ask you to pay back some or all of the money. If this happens, you can ask that you not have to pay us back.

You will not have to pay us back if you cooperate with us during the appeal and we find that you need your money for your usual living expenses. If you need more information about when you do not have to pay us back, let us know.

Will My Medical Assistance Continue?

If your SSI stops, any medical assistance you have that is based on SSI may also stop. If this happens, your medical assistance agency will contact you.

Why Shouldn't I Just File A New Application?

You have the right to file a new application at any time, but filing a new application is not the same as appealing this decision. If you disagree with our decision and you file a new application instead of appealing:

- you might lose some benefits or not qualify for any benefits;
- we could deny the new application using our decision to stop your payments, if the facts and issues are the same; or
- you could not ask for payments to continue during the appeal of a new application.

So, if you disagree with this decision, you should ask for an appeal within 60 days..

How Do I Appeal?

You have to ask us **in writing** to appeal and to get payments during the appeal. We will give you the forms you need to fill out. You can call us and we will mail the forms to you. Or, you can visit a Social Security office to get the forms. Our toll-free number is at the end of this leaflet.

We can help you fill out the forms if you ask us.

Do I Only Get One Chance To Appeal?

There are four levels of appeal. The levels are (1) reconsideration, (2) hearing, (3) review by the Appeals Council and (4) federal court review.

If you disagree with the decision at one level, you have 60 days to appeal to the next level.

Reconsideration

If you disagree with the decision, you may ask for reconsideration. Reconsideration is a complete review of your claim by someone who did not take part in the first decision. We will look at all the evidence submitted when the original decision was made, plus any new evidence.

When you appeal a decision to stop your disability benefits because we say your condition has improved to the point where you are no longer disabled, you can meet with a disability hearing officer and explain why you believe you still are disabled. You can submit new evidence or information and can bring someone who knows about your medical condition.

When the reconsideration is completed, we will send you a letter explaining the decision.

Hearing Before An Administrative Law Judge

If you disagree with the reconsideration decision, you may ask for a hearing before an administrative law judge who has not seen your case.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing, you will have a chance to give us any additional evidence, clarification or information you may have about your claim. You should give us this information as soon as you can.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file and give new information. The administrative law judge will ask questions of you and any witnesses you bring to the hearing. You or your representative also may ask the witnesses questions. It is usually to your advantage to attend the hearing. If you do not want to attend, you must tell us in writing. If you are unable to attend the hearing because of health problems, you should tell us, and we may be able to make other arrangements for the hearing. Unless the administrative law judge believes your presence is needed and requires you to attend, you will not have to go. He/she will make a decision based on all the information in your case, including any new information you give.

When the administrative law judge makes a decision on your claim, we will send you a letter and a copy of the decision.

Appeals Council Review

If you disagree with the administrative law judge's decision, you may ask the Appeals Council to review your case. When you make your written request, you should submit any new information you have.

The Appeals Council carefully examines your case and notifies you in writing of the action it takes. The Appeals Council may grant or deny your request for review. If the Appeals Council grants your request, it will either decide your case or return it to the administrative law judge for further action (which could include another hearing and a new decision). If the Appeals Council decides a formal review would not change the administrative law judge's decision, it will deny your request.

Federal Court Review

If you do not agree with the Appeals Council's action on your case, you may file a civil action in the United States District Court where you live.

Can I Get Help With My Appeal?

You can have a lawyer, a friend or someone else help you with your appeal. We will work with your representative just as we would work with you.

There are groups that can help you find a lawyer or give you free legal services if you qualify. There also are lawyers who do not charge unless you win your appeal. The local Social Security office has a list of groups that can help you with your appeal.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, contact us for a free factsheet, *Social Security and Your Right to Representation* (Publication No. 05-10075).

For More Information

If you have questions about the decision made on your claim or any Social Security matter, give us a call at our toll-free number, **1-800-772-1213**. We can answer most of your questions over the telephone. Or you can call or visit your local Social Security office. We will be glad to help you.

Social Security Administration

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